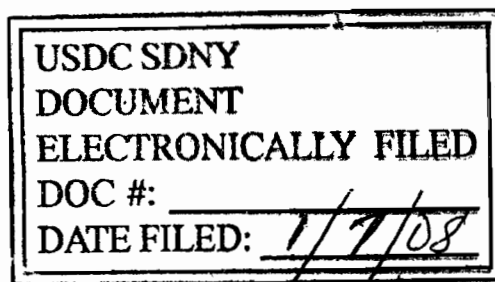


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD ABONDOLO, as Chairman of the Board of :
Trustees of UFCW LOCAL 342 HEALTH CARE FUND; :
and RICHARD ABONDOLO, as Chairman of the Board of :
Trustees of UFCW LOCAL 342 SAFETY, EDUCATION, :
CULTURAL AND LEGAL FUNDS, :

Petitioners,

-against-

694 BURKE FOOD CORP. d/b/a PIONEER :
SUPERMARKET a/k/a BURKE FOOD CORP., :

Respondent.

Case No. 07-cv-7798(SAS)(THK)
ECF CASE

DEFAULT JUDGMENT

This action having been commenced on September 4, 2007 by the Petitioners, Richard Abondolo, as Chairman of the Board of Trustees of UFCW Local 342 Health Care Fund ("Health Care Fund") and Richard Abondolo, as Chairman of the Board of Trustees of UFCW Local 342 Safety, Education, Cultural and Legal Funds ("SEC & Legal Funds"), that maintain places of business at 540 West 48th Street, New York, New York 10036 and 166 East Jericho Turnpike, Mineola, New York 11501, by the filing of a Petition to Confirm an Arbitration Award, and a true copy of the Summons, Petition to Confirm an Arbitration Award, Rule 7.1 Statement, the assigned Judges' Individual Rules, USDC/SDNY Instructions for Filing an Electronic Case or Appeal, USDC/SDNY Procedures for Electronic Case Filing, and USDC/SDNY Guidelines for Electronic Case Filing, having been served on the Respondent, 694

Burke Food Corp. d/b/a Pioneer Supermarket a/k/a Burke Food Corp. (“Burke” and/or the “Employer” and/or the “Respondent”), that maintains a place of business at 694 Burke Avenue, Bronx, New York 10467, on September 19, 2007, at Respondent’s principle place of business by personal service on Evelyn “Doe”, an asian female with black hair, approximately 40 years old, weighing approximately 130 lbs, with an approximate height of 5’4”, who was a manager authorized to accept service on behalf of Respondent, and proof of service by the Special Process Server was filed via ECF, and the Respondent not having answered the Petition to Confirm an Arbitration Award, and the time for answering the Petition having expired, it is

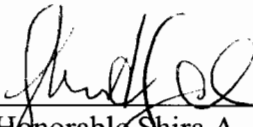
ORDERED, ADJUDGED AND DECREED, that the Petitioners have judgment against the Respondent in the total amount of **\$36,282.77** as follows:

- a) Interest @18% per annum, in accordance with the Arbitration Award in the amount of **\$4,150.89**;
- b) Liquidated damages in the amount of twenty percent (20%), in accordance with the Arbitration Award in the amount of **\$5,037.98**;
- c) Arbitration Attorneys’ fees, in accordance with the Arbitration Award in the amount of **\$800.00**;
- d) Arbitration fees, in accordance with the Arbitration Award in the amount of **\$800.00**;
- e) **Health Care Fund** in the amount of \$20,815.00, plus pre-judgment interest at 9% per annum from May 30, 2007 through December 27, 2007 in the amount of \$1,087.56 ($20,815 * 9\% = 1873.35/365 = 5.13 * 212 = \$1,087.56$) for a total of **\$21,902.56**;
- f) **SEC & Legal Funds** in the amount of \$224.00, plus interest at 9% per annum from May 30, 2007 through December 27, 2007 in the amount of \$12.72 ($224 * 9\% = 20.16/365 = .06 * 212 = \12.72) for a total of **\$236.72**;

g) Attorneys' Fees, costs and disbursements in connection with the enforcement of the Arbitration Award pursuant to ERISA § 1132(g)(2) in the amount of \$3,354.62; and it is further

ORDERED, ADJUDGED AND DECREED, that additional attorneys' fees to collect the debt will be billed at the rate of \$350.00 per hour.

Dated: New York, New York



Honorable Shira A. Scheindlin
United States District Judge 1/7/08

This document was entered on the docket on _____.